

II.

Subject Matter and Testimony Summary of Non-Retained Experts

2.0 Pursuant to Federal Rule of Civil Procedure 26(a)(2)(C), Defendants disclose the subject matters of non-retained experts.

2.1 The lawyer will testify concerning reasonable attorney's fees incurred by and/or requested by Plaintiffs or any of the Defendants. He will base his opinions on his education, training, and experience as a lawyer; the amount of work done on this matter; the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly; the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer; the fee customarily charged in the locality for similar legal services; the amount involved and the results obtained; the time limitations imposed by the clients or by the circumstances; the nature and length of the professional relationship with the clients; the experience, reputation, and ability of the lawyer or lawyers performing the services; and whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered; and the factors set forth in Rule 1.04(b) of Article X, Section 9 of the STATE BAR RULES, in *Arthur Andersen & Co. v. Perry Equip. Corp.*, 945 S.W.2d 812, 818 (Tex. 1997), and in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-719 (5th Cir. 1974). This includes, but is not limited to, general knowledge of the work done on this case, as well as knowledge of the total amount of fees incurred and the reasonableness of the hourly rates charged.

2.2 Evidence presented pursuant to Federal Rules of Civil Procedure 702, 703 and 704 may be by testimony at trial or by affidavit as the Court determines the manner in which attorney's fees will be received.

2.3 Any and all opinions are based upon review of the legal services provided, including without limitation, trial of the case, including all preparations therefor, any anticipate post-trial and appellate briefing and proceedings, drafting and briefing dispositive motions, discovery taken in the case, including written discovery, document production and oral depositions, together with the drafting and filing of pleadings, along with pre-suit investigation activities.

2.4 All of the filings in the case, along with the discovery served have or will be reviewed. Opinions formed and to be formed upon receipt of the amount of attorney's fees sought and the seeking party's evidence, including without limitation, lawyer fee statements, which will be supplemented upon receipt of this material.

**III.
Exhibit A**

3.2 The CV of Daniel L. Bates is produced herewith as **Exhibit "A."**

Respectfully submitted,

/s/ Daniel L. Bates

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**ATTORNEYS FOR DEFENDANTS,
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AND KELLIE MATHAS**

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August, 2020, a true and correct copy of the above and foregoing instrument was filed with the Clerk of the Court, using the CM/ECF system that will send notification of such filing to counsel of record in this case who are deemed to have consented to electronic service.

/s/ Daniel L. Bates

Daniel L. Bates